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EXTRAORDINARY

PART II—Section 2

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GOVERNMENT OF DELHI

Law, Judicial and Legislative Department

NOTIFICATION

Delhi, the 23rd July, 1952.

No. 12/52-5.—The following Bill which is proposed to be introduced in the Delhi Legislative Assembly is published under rule 88 of the Delhi Legislative Assembly Rules for general information:—

BILL NO. VI OF 1952

A

BILL

to provide for the stay of proceedings in certain cases under the Punjab Tenancy Act 1887 and the Agra Tenancy Act, 1901.

WHEREAS it is expedient to provide for the stay, pending further legislation, of certain proceedings under the Punjab Tenancy Act 1887 and the Agra Tenancy Act, 1901, as applicable to the State of Delhi.

Punjab Act
XVI of 1887,
U. P. Act II
of 1901.

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Delhi State Stay of Proceedings (Revenue Courts) Act, 1952.

(2) It shall apply to the whole of the State of Delhi.

(3) It shall come into force at once.

(4) The provisions of section 2 of this Act shall remain in force for a period of one year only:

Provided that the Chief Commissioner, Delhi, may, from time to time, by notification in the *Gazette* extend this period for such period or periods not exceeding two years in the aggregate as he may deem fit.

2. Stay of proceedings in suits, applications and appeals.—Notwithstanding anything contained in the Punjab Tenancy Act, 1887, or Agra Tenancy Act, 1901, or the Punjab Tenants (Security of Tenure) Act, 1950, as applicable to the State of Delhi or the Code of Civil Procedure, 1908, all proceedings in suits and applications of the classes specified in the Schedule to this Act and appeals arising therefrom pending on the date when this Act comes into force or instituted during the period this section remains in force shall be stayed for such period as this section shall remain in force.

3. Exclusion from the period of limitation.—In computing the period of limitation for any suit or application of the classes specified in the Schedule to this Act or for any appeals arising therefrom instituted or presented after expiry of this Act, which might have otherwise been instituted or presented during the period this Act remains in force, the period during which this Act remains in force shall be excluded.

SCHEDULE.

(Sections 2 & 3)

Under the Punjab Tenancy Act, 1887:

Applications under clauses (d), (i) and (m) of sub-section (1) of section 76.

Suits under clause (e) (other than suits based on non-satisfaction of decrees for arrears of rent), clause (f) and clause (h) of sub-section (3) of section 77.

Under the Agra Tenancy Act, 1901:

The following suits and applications specified in the Fourth Schedule to that Act:—

Group B—Serial No. 13.

Group C—Serial Nos. 18 and 29.

Under the Punjab Tenants (Security of Tenure) Act, 1950:

Application under section 12 (2).

STATEMENT OF OBJECTS AND REASONS

The Delhi State has a very antiquated system of tenancy legislation. Sixty-five out of three-hundred and fifty-eight villages on the U.P. side are administered under the Agra Tenancy Act, 1901. Whereas the remaining portion is under the Punjab Tenancy Act of 1887. In Uttar Pradesh the Agra Tenancy Act of 1901 has been replaced by two systems of tenancy legislation. The tenants-at-will in both

the areas in Delhi State are entirely at the mercy of the land-lords. The rights and privileges of the tenants are not in keeping with the tenants across the U.P. border, who are much better off than the tenants here who are suffering much hardships. Hence, a measure of agrarian reform is considered urgently necessary. Further, due to the introduction of reforms in Uttar Pradesh, the tenantry in Delhi is extremely agitated. It is, therefore, proposed to recast the whole tenancy system and to promote legislation on a unified basis with a view to give adequate rights and security of tenure to the tenants. It is also necessary because it is considered undesirable that in a small State like Delhi, there should be two systems of tenancy.

2. The actual promotion of the legislation in this behalf is bound to take sometime but, in the meantime, the tenants have to be prevented from being evicted from their holdings. As a result of the impending legislation, the interested parties, on the other hand, are bent on evicting tenants from their holdings, who are being put to extreme hardships and distress in this respect. This Bill which is intended to safeguard the legitimate interest of the tenants against evictions is, therefore, considered essential until a unified system of legislation is enforced.

DELHI;
The 22nd July 1952.

BRAHAM PERKASH,
Member-in-Charge.

M. L. VIJH,
Secretary to Government.

